IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIFTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE J.CHELAMESWAR

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WRIT PETITION NO : 9282 of 1995

Between:

S. Narayana Rao S/o Subba Rao
O/o Asst. Zonal Manager, A.P.I.I.C., I.D.A.,

Kondapalli, Krishna District.

..... PETITIONER

AND

1. Managing Director, A.P. Industrial Infrastructure Corporation, Hyderabad.

2. Area Zonal Manager, A.P. Infrastructure Corporation, I.D.A., Kondapalli, Vijayawada, Krishna District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus directing the Respondents to grant benefits to the petitioner, in releasing Scale of Pay of 1974 and 1978 for which the petitioner is entitled and compute the benefit and grant for the period 1-1-1976 to 31-12-1982 July/86 to 1-4-1987 in accordance with Rules and on part with juniors who were granted benefits and order to release all consequential benefits for which the petitioner is entitled to in view of his long service in the Corporation

Counsel for the Petitioner: MR.P.SRINIVASULU

Counsel for the Respondent Nos.1 & 2: MR.R.SUBBA RAO

The Court made the following :

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O R D E R

The petitioner filed this writ petition with the following prayer:

> "Honourable Court may be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus directing the Respondents to grant benefits to the petitioner, in releasing scale of pay of 1974 and 1978 for which the petitioner is entitled and compute the benefit and grant for the period 1-1-1976 to 31-12-1982 July/86 to 1-4-1987 in accordance with Rules and on par with juniors who were granted benefits and order to release all consequential benefits for which the petitioner is entitled to in view of his long service in the Corporation and pass such other order or orders as this Hon'ble Court may deem fit and proper in the interests of justice"

When the matter is taken up, learned counsel for the petitioner submitted that during the pendency of the writ petition, the respondents granted benefits of the revised pay scales to the petitioner for the period in question, except an amount of Rs.16,000/-, which is still to be paid by the respondents.

Learned counsel for the respondents on the other hand submitted that the respondents have already issued proceedings agreeing to pay the said amount of Rs.16,000/- and therefore nothing survives for adjudication in this writ petition. In fact, a letter addressed by the respondents Corporation to the learned Standing Counsel for the respondents to that effect, is placed before this Court. The relevant portion reads as follows:

"Lr.No.9282/LW/95 Dt.8.11.2004

To

Sri R.Subba Rao,

Advocate,

3-4-1005/A,

Barkatpura, Hyderabad.

Sir,

Sub: Estt – WP No.9282/95 filed by

Sri S.Narayana Rao, Watchman – Retired.

Please recall our telephone discussion, Sri S.Narayana Rao, Watchman, the petitioner in the subject W.P. has retired from service on attained the age of superannuation on 30.06.2001 AN. He was paid the following terminal benefits:

1. *Rs.55,995/- Accumulating PF amount as on 30.06.2001.*
2. *Rs.37,384/- Gratuity for (14) years i.e. from*

1.4.87 to 30.06.2001

The following are payable to the petitioner after disposal of the W.P.

a. *Earned Leave for (173) days,*
b. *G.S.L.I.S.*

Yours faithfully,

Sd/-

MANAGER (LAW)"

Recording the same, the writ petition is disposed of directing the respondents to make payment of the agreed amount within a period of four weeks from the date of receipt of a copy of this order. No costs.

JUSTICE J.CHELAMESWAR

25TH NOVEMBER, 2004

PGS

To

1. The Managing Director, A.P. Industrial Infrastructure Corporation, Hyderabad.
2. The Area Zonal Manager, A.P. Infrastructure Corporation, I.D.A., Kondapalli, Vijayawada, Krishna District.

3. 2 CD copies.

THE HON'BLE MR JUSTICE J.CHELAMESWAR

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25TH NOVEMBER, 2004